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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/194,164	04/09/1999	MICHAEL D. DAN	316082000121	2875
25226	7590	08/24/2004	EXAMINER	
MORRISON & FOERSTER LLP 755 PAGE MILL RD PALO ALTO, CA 94304-1018			YAEN, CHRISTOPHER H	
			ART UNIT	PAPER NUMBER
			1642	

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09/194,164	4/9/1999	DAN et al	316082000121

EXAMINER

C.Yaen

ART UNIT	PAPER
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1642 08192004

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Commissioner for Patents

The response filed 5/05/2004 is acknowledged and entered into the record. Upon further examination and review it has come to the examiners attention that the claims read on a nucleic acid that encodes a sequence of SEQ ID No: 13. However, SEQ ID No: 13 is not a protein, but rather a nucleic acid molecule. As such examination is precluded because it is not clear which sequence is intended for examination on the record.

In response to this Notice of Non-Compliant amendment, applicant is required to clarify which sequence is intended and amend the claims accordingly.

Since the reply appears to be bona fide attempt to comply applicant is given a TIME PERIOD of ONE (1) MONTH from the mailing date of this communication within which to correct the deficiency so as to comply with the sequence rules (37 CFR 1.821 - 1.825) in order to avoid abandonment of the application under 37 CFR 1.821(g). EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a) and run from the date of mailing of the Office Communication mailed 20 Sep 2001. In no instance may the period for reply extend beyond the statutory period.

GARY NICKOL  
PRIMARY EXAMINER

Christopher Yaen  
Art Unit 1642  
August 18, 2004